

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

2019 MAR 21 PM 12:09

MAUREEN BARTLETT,
Plaintiff,

v.

LARKIN REALTY TRUST,
LARK INNS LP, and
LARKIN HOSPITALITY, individually
and /or collectively d/b/a HOLIDAY
INN EXPRESS,
Defendant.

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CIVIL ACTION: 5:19-cv-44

COMPLAINT

NOWS COMES, Plaintiff in the above-entitled action, Maureen Bartlett, by and through her attorneys, Cleary Shahi & Aicher, P.C., and hereby complains against the defendant as follows:

PARTIES

1. Plaintiff, Maureen Bartlett, is a resident of the Town of Lafargeville in the State of New York.
2. Defendant, Larkin Realty Trust, was at all times relevant to this action a Vermont business with a principal office in Shelburne Vermont.
3. Defendant Lark Inns LP d/b/a Holiday Inn Express was at all times relevant to this action a Vermont Corporation with a principal office in Shelburne Vermont.
4. Defendant Larkin Hospitality d/b/a Holiday Inn Express was at all times relevant to this action a Vermont business with a principal office in Shelburne Vermont.
5. Defendants Larkin Realty Trust, Lark Inns LP, and Larkin Hospitality, individually and/or collectively d/b/a Holiday Inn Express, owned, operated

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and/or maintained a hotel named Holiday Inn Express located at 1720 Shelburne Road in South Burlington, Vermont.

JURISDICTION and VENUE

6. This Court has jurisdiction because the plaintiff and defendants are citizens of different states and the amount in controversy is in excess of \$75,000.
7. Venue is proper in this Court because the acts and omissions of the defendant(s) took place in Vermont, the defendant(s) principal place of business is in Vermont, and the plaintiff's injuries were sustained in Vermont.

COUNT I
Negligence

8. At all times herein relevant defendants Larkin Realty Trust, Lark Inns LP and Larkin Hospitality individually and/or collectively d/b/a Holiday Inn Express (hereinafter "Larkin") owned, operated and/or maintained a hotel property located at 1720 Shelburne Road in South Burlington, Vermont (hereinafter "Premises").
9. At all times herein relevant, defendants Larkin, individually and/or collectively had a duty to maintain the Premises in a reasonably safe and suitable condition for business associates, guests and customers to enter, use, exit and/or conduct business from said Premises.
10. On or about April 1, 2016, plaintiff and other members of her family were lawful patrons and guests of defendants at the Premises.
11. On or about April 1, 2016, due to unsafe, unreasonable and dangerous conditions on the stairs and floor of the common area of the Premises, which

were known, or in the exercise of ordinary care should have been known, to the defendant(s), the plaintiff slipped and suffered injury.

12. The events described in Paragraph 11 would not have occurred absent the negligence and/or carelessness of one or more of defendants, their employees, agents and/or servants.
13. Defendants, and each of them, breached their duty of care to plaintiff by creating and/or allowing a dangerous condition to exist which was unattended, unmitigated and/or otherwise unwarned of.
14. As a direct and proximate result of the defendants' acts and/or omissions, including but not limited to, the defendants' failure to maintain its Premises in a safe and proper manner, failure to keep a proper lookout, failure to train and/or supervise its staff regarding proper lookout and safety procedures, and failure to post or otherwise warn plaintiff of a dangerous condition, plaintiff suffered serious physical injuries including, but not limited to, a tibial/fibula fracture and associated disfigurement.
15. As a direct and proximate result of the defendants' acts and/or omissions, plaintiff has experienced, and will continue to experience, great pain and suffering, financial losses, and other damages.
16. As a direct and proximate result of the defendants' acts and/or omissions, plaintiff has incurred and will incur medical bills.

WHEREFORE, the plaintiff seeks judgment against defendants for the allegations above, together with all costs and other relief as the court deems just and proper.

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Dated at the City of Rutland, County of Rutland, and the State of Vermont
this 21st day of March 2019.

CLEARY SHAHI & AICHER, P.C.

By: 

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